

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

Case No. 2:18-cv-530

NOTICE OF MOTION TO FILE DOCUMENTS UNDER SEAL

This serves as notice, pursuant to Local Rule 5(C), that Defendants Norfolk & Portsmouth Belt Line Railroad Company (“NPBL”) and Norfolk Southern Railway Company (“NSR”) (collectively, “Defendants”) have moved the Court to seal from public disclosure the following documents: Defendants’ unredacted Reply in Support of Joint Motion to Compel Depositions of CSXT Witnesses (“Reply in Support of Joint Motion to Compel”) and Exhibits A, and C to Defendants’ Reply in Support of Joint Motion to Compel.

These documents have been designated “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL,” or “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” by Plaintiff CSX Transportation, Inc. (“CSXT”) and contain highly confidential and sensitive information relating to CSXT’s transportation and shipping practices, business strategy, internal communications, and other highly confidential, proprietary, and sensitive business information, release of which would harm CSXT.

Any party or non-party may submit memoranda in support of or in opposition to this Motion within seven (7) days, designating all or part of such memoranda as confidential. Any information designated as confidential in a supporting or opposing memoranda will be treated as sealed pending a determination by the Court on the Motion to Seal. Any person objecting to this Motion must file an objection with the Clerk within seven (7) days after the filing of this Motion. If no objection is filed in a timely manner, the Court may treat the Motion as uncontested.

Dated: February 10, 2021

Respectfully submitted,

**NORFOLK & PORTSMOUTH BELT LINE
RAILROAD COMPANY and NORFOLK
SOUTHERN RAILWAY COMPANY**

/s/ W. Ryan Snow

James L. Chapman, IV, Esq.

W. Ryan Snow, Esq.

Darius K. Davenport, Esq.

David C. Hartnett, Esq.

Alexander R. McDaniel, Esq.

CRENSHAW, WARE & MARTIN, P.L.C.

150 W. Main Street, Suite 1500

Norfolk, Virginia 23510

Telephone: (757) 623-3000

Facsimile: (757) 623-5735

Email: jchapman@cwm-law.com

Email: wrsnow@cwm-law.com

Email: ddavenport@cwm-law.com

Email: dhartnett@cwm-law.com

Email: amcdaniel@cwm-law.com

*Attorneys for Norfolk and Portsmouth Belt Line
Railroad Company*

/s/ Alan D. Wingfield

Alan D. Wingfield (VSB No. 27489)

Michael E. Lacy (VSB No. 48477)

Massie P. Cooper (VSB No. 82510)

TROUTMAN PEPPER HAMILTON SANDERS LLP
1001 Haxall Point
Richmond, Virginia 23219
Telephone: (804) 697-1200
Facsimile: (804) 698-6061
Email: alan.wingfield@troutman.com
Email: michael.lacy@troutman.com
Email: massie.cooper@troutman.com

John C. Lynch (VSB No. 39267)
Kathleen M. Knudsen (VSB No. 90845)
TROUTMAN PEPPER HAMILTON SANDERS LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, VA 23462
Telephone: (757) 687-7759
Facsimile: (757) 687-7510
Email: john.lynch@troutman.com
Email: kathleen.knudsen@troutman.com

Monica McCarroll (VSB No. 45622)
REDGRAVE LLP
14555 Avion Parkway, Suite 275
Chantilly, Virginia 20151
Telephone: (703) 592-1154
Facsimile: (703) 230-9859
Email: MMcCarroll@redgravellp.com

Tara L. Reinhart
John R. Thornburgh II
Thomas R. Gentry
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
1440 New York Avenue, N.W.
Washington, DC 20005
Telephone: (202) 371-7000
tara.reinhart@skadden.com
john.thornburgh@skadden.com
thomas.gentry@skadden.com

Attorneys for Norfolk Southern Railway Company

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2021, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which sent a notification of such filing (NEF) to the registered participants as identified on the NEF to receive electronic service, including:

Robert W. McFarland, Esq.
Benjamin L. Hatch, Esq.
V. Kathleen Dougherty, Esq.
McGuireWoods LLP
World Trade Center
101 West Main Street, Suite 9000
Norfolk, Virginia 23510-1655
Telephone: (757) 640-3716
Facsimile: (757) 640-3930
Email: rmcfarland@mcguirewoods.com
Email: bhatch@mcguirewoods.com
Email: vkdougherty@mcguirewoods.com

J. Brent Justus, Esq.
Ashley P. Peterson, Esq.
McGuire Woods LLP
800 East Canal Street
Richmond, Virginia 23219-3916
Email: bjustus@mcguirewoods.com
apeterson@mcguirewoods.com

Attorneys for CSX Transportation, Inc.

/s/ Alan D. Wingfield
Alan D. Wingfield (VSB No. 27489)
Michael E. Lacy (VSB No. 48477)
Massie P. Cooper (VSB No. 82510)
TROUTMAN PEPPER HAMILTON SANDERS LLP
1001 Haxall Point
Richmond, Virginia 23219
Telephone: (804) 697-1200
Facsimile: (804) 698-6061
Email: alan.wingfield@troutman.com
Email: michael.lacy@troutman.com
Email: massie.cooper@troutman.com

Attorneys for Norfolk Southern Railway Company